

REPORT OF THE COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY

Voting Members:

Carol Fukunaga, Chair; Ann H. Kobayashi, Vice Chair;
Brandon J.C. Elefante, Joey Manahan, Trevor Ozawa

Committee Meeting Held
June 28, 2017

Honorable Ron Menor
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Works, Infrastructure and Sustainability, which considered Bill 59 (2016), CD2, FD1 entitled:

"A BILL FOR AN ORDINANCE RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS,"

which passed second reading and was the subject of a public hearing at the March 22, 2017 Council meeting, reports as follows:

The purpose of the Bill is to regulate the use of bags provided to customers.

Your Committee on Public Works, Infrastructure and Sustainability, at its meeting on May 24, 2017, reported the Bill out for passage on third reading by the City Council. At the Council's meeting of June 7, 2017, it was requested that the Bill be recommitted back to the Committee for further amendments.

The Deputy Director of the Department of Environmental Services testified regarding some concerns involving the posted CD3 amendments, and hand-carried CD3 amendment offered at the hearing.

A representative of the Department of Corporation Counsel testified in response to the hand-carried CD3 amendment that additional time was needed for the department to identify its concerns with the hand-carried CD3 amendment.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

JUL 12 2017

COMMITTEE REPORT NO. **268**

REPORT OF THE COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY

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Your Committee received testimony in support of one posted CD3 amendment to Bill 59 from 9 individuals. Testimony in opposition to the FD1 amendments was received from 1 individual, while the following organizations expressed support for the hand-carried CD3 amendment and one of the posted CD3 amendments: Beach Environmental Awareness Campaign Hawaii, Sierra Club Oahu Group, Hawaii Food Industry Association, Surfrider Foundation, The Rise Above Plastics Coalition, Conservation Council, Retail Merchants of Hawaii and ABC Stores. Comments were received from 3 individuals. Features of the hand-carried CD3 amendment that garnered the highest level of support were those that prohibit checkout use of plastic film bags after January 1, 2010, and imposing a minimum of fifteen cent bag fee on such bags, effective July 1, 2018.

Your Committee greatly appreciates the willingness of many of the organizations identified above to continue to pursue common ground in spite of differences in perspectives among retail industry representatives and their environmental counterparts, and hopes that this measure reflects the next step in their cooperative efforts to reduce the amount of plastic waste and litter in city parks, on roadways and sidewalks, and in our ocean waters.

Your Committee considered and approved a proposed hand-carried CD3 version that makes the following amendments to the FD1 version to which the Bill was amended at the May 10, 2017, Council meeting.

- A. Deletes SECTION 2, thereby restoring the definition of "Compostable plastic bag".
- B. Amends the amendatory language for SECTION 2 of the bill to provide that the amendment proposed to amend the definition of "Plastic checkout bag" would take effect on January 1, 2020, and further amends the proposed amendment to the definition of "Plastic checkout bag" by retaining the provision in the current

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definition that such a bag is "not specifically designed and manufactured for multiple re-use."

- C. SECTION 3 of the bill adds a definition of "Plastic film bag".
- D. Amends the definition of "Reuseable bag" in ROH Sec. 9-1.1 by adding, "After January 1, 2020, plastic film bags shall no longer be considered to be 'reusable bags.'"
- E. Amends the proposed amendment to ROH Section 9-9.2 by changing the minimum amount businesses shall charge, when offering, at the point of sale, reusable bags, compostable plastic bags, or recyclable paper bags for the purpose of transporting groceries or other merchandise, to 15 cents per bag, from 10 cents per bag, and adding language providing that after January 1, 2020, compostable bags shall no longer be provided at the point of sale for the purpose of transporting groceries or other merchandise.
- F. Deletes proposed new ROH Section 9-9.2(b) relating to the City Auditor's report.
- G. Deletes SECTION 5 of the bill relating to proposed amendments to ROH Section 9-9.3 ("Penalties and injunctive relief").
- H. Changes the effective date of the Bill from January 1, 2018 to January 1, 2020 for Section 2 the bill, and to July 1, 2018 for Sections 3, 4, and 5.
- I. Makes miscellaneous technical and non-substantive amendments.

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Your Committee on Public Works, Infrastructure and Sustainability is in accord with the intent and purpose of Bill 59 (2016), CD2, FD1, as amended herein, and recommends that it pass third reading in the form attached hereto as Bill 59 (2016), FD1, CD3. (Ayes: Fukunaga, Elefante, Kobayashi, Ozawa – 4; Noes: None; Excused: Manahan – 1.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JUL 12 2017

COMMITTEE REPORT NO. 268



A BILL FOR AN ORDINANCE

RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Findings. The purpose of this ordinance is to regulate the use of bags provided to customers.

The Council finds that to protect health, life and property and preserve the order and security of the City and its inhabitants, and, in furtherance of the findings and determinations set forth in Revised Ordinances of Honolulu 1990 Section 9-1.1, relating to the collection and disposal of refuse, this ordinance is intended to reduce the volume of plastic and non-recyclable paper bags that are disposed of as solid waste.

SECTION 2. The following amendment takes effect on January 1, 2020. Section 9-9.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "plastic checkout bag" to read as follows:

""Plastic checkout bag":

- (1) Means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and is made from ~~[non-compostable]~~ plastic and not specifically designed and manufactured for multiple re-use;
- (2) This term does not include:
 - (A) Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
 - (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
 - (C) Bags used to protect or transport prepared foods, beverages, or bakery goods;
 - (D) Bags provided by pharmacists to contain prescription medications;
 - (E) Newspaper bags for home newspaper delivery;
 - (F) Door-hanger bags;



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- (G) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
- (H) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
- (I) Bags used to contain live animals, such as fish or insects sold in pet stores; or
- (J) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer~~[-or-~~
- ~~(K) Compostable plastic bags]."~~

SECTION 3. The following amendment takes effect on July 1, 2018. Section 9-9.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding a new definition of "plastic film bag" to read as follows:

"Plastic film bag":

- (1) Means a plastic bag made out of thin flexible sheets of plastic with a thickness of 10 mils or less;
- (2) This term does not include:
 - (A) Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
 - (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
 - (C) Bags used to protect or transport prepared foods, beverages, or bakery goods;
 - (D) Bags provided by pharmacists to contain prescription medications;
 - (E) Newspaper bags for home newspaper delivery;
 - (F) Door-hanger bags;



A BILL FOR AN ORDINANCE

- (G) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
- (H) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
- (I) Bags used to contain live animals, such as fish or insects sold in pet stores; or
- (J) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer."

SECTION 4. The following amendment takes effect on July 1, 2018. Section 9-9.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "reusable bag" to read as follows:

"Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of: (1) cloth or other washable fabric; or (2) durable material suitable for reuse, including plastic that is at least 2.25 mils thick. After January 1, 2020, plastic film bags shall no longer be considered to be "reusable bags."

SECTION 5. The following amendment takes effect on July 1, 2018. Section 9-9.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-9.2 Ban on plastic checkout bags and non-recyclable paper bags.

- (a) [Businesses] Except as provided in subsections (b) and (c), businesses shall be prohibited from providing plastic checkout bags and non-recyclable paper bags to their customers at the point of sale for the purpose of transporting groceries or other merchandise. ~~[Nothing in this article shall preclude a business from making available to customers, with or without charge, at the point of sale: 1)]~~
- (b) Businesses may provide, at the point of sale, reusable bags, compostable plastic bags, or recyclable paper bags to customers for the purpose of transporting groceries or other merchandise~~[- or 2)]~~, provided that they charge the customer a minimum of 15 cents per bag.
- (c) Nothing in this article shall be interpreted as prohibiting businesses from providing non-recyclable paper bags, with or without charge, to protect or transport prepared foods, beverages, or bakery goods.



CITY COUNCIL
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ORDINANCE _____

BILL **59 (2016), FD1, CD3**

A BILL FOR AN ORDINANCE

- (d) After January 1, 2020, compostable plastic bags shall no longer be provided at the point of sale for the purpose of transporting groceries or other merchandise."

SECTION 6. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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ORDINANCE _____

BILL 59 (2016), FD1, CD3

A BILL FOR AN ORDINANCE

SECTION 7. Section 2 of this ordinance takes effect on January 1, 2020.
Sections 3, 4, and 5 take effect on July 1, 2018.

INTRODUCED BY:

Brandon Elefante

DATE OF INTRODUCTION:

September 28, 2016
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu